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COMMISSIONER



MEETING ITEM

BRIAN C. McNEIL  
EXECUTIVE SECRETARY

RECEIVED  
AZ CORP COMMISSION  
ARIZONA CORPORATION COMMISSION

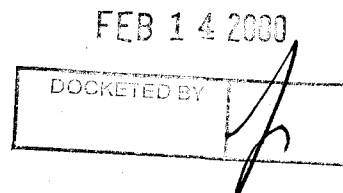
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Arizona Corporation Commission  
DOCKETED

DATE: FEBRUARY 14, 2000

DOCKET NO: T-03570A-98-0313

TO ALL PARTIES:



Enclosed please find the recommendation of Hearing Officer Jane Rodda. The recommendation has been filed in the form of an Order on:

TELSTAR TELECOM COMPANY, LLC  
(CC&N/RESELLER)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

FEBRUARY 23, 2000

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

MARCH 1, 2000 and MARCH 2, 2000

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

BRIAN C. McNEIL  
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK  
CHAIRMAN

3 JIM IRVIN  
COMMISSIONER

4 WILLIAM A. MUNDELL  
COMMISSIONER

5  
6 IN THE MATTER OF THE APPLICATION OF  
7 TELSTAR TELECOM COMPANY, LLC FOR A  
8 CERTIFICATE OF CONVENIENCE AND  
9 NECESSITY TO PROVIDE LOCAL  
EXCHANGE SERVICES AS A RESELLER.

DOCKET NO. T-03570A-98-0313

DECISION NO. \_\_\_\_\_

**ORDER**

10 Open Meeting  
11 March 1 and 2, 2000  
12 Phoenix, Arizona

**BY THE COMMISSION:**

13 Having considered the entire record herein and being fully advised in the premises, the  
14 Commission finds, concludes, and orders that:

15 **FINDINGS OF FACT**

16 1. On June 16, 1998, Telstar Telecom Company, LLC ("Applicant") filed with the  
17 Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience  
18 and Necessity ("Certificate") to provide local exchange telecommunications services as a reseller  
19 within the State of Arizona.

20 2. In Decision No. 58926 (December 22, 1994), the Commission found that resold  
21 telecommunications providers ("resellers") were public service corporations subject to the  
22 jurisdiction of the Commission.

23 3. In Decision No. 59124 (June 23, 1995), the Commission adopted A.A.C. R14-2-1101  
24 through R14-2-1115 to regulate resellers.

25 4. Applicant is an Arizona limited liability company, registered to do business in  
26 Arizona since 1998.

27 5. On July 21, 1999, the Commission granted intervention to US West  
28

Communications, Inc.

6. On August 20, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff Report.

7. In the Staff Report, Staff recommended that the application be denied because Applicant had failed to respond to Staff's data requests.

10. Applicant has not filed for Commission approval of a resale agreement with an underlying incumbent local exchange carrier.

11. By Procedural Order dated October 4, 1999, the Commission set a deadline of November 19, 1999, for filing exceptions to the Staff Report; requesting that a hearing be set; requesting intervention as interested parties and filing proof of publication. Pursuant to the October 4, 1999 Procedural Order, Applicant was to provide notice of the application to designated interested parties and to publish notice pursuant to A.A.C. R14-2-1104.

12. The October 4, 1999 Procedural Order mailed to Applicant was returned for lack of a forwarding address.

13. No exceptions were filed to the Staff Report, nor did any party request that a hearing be set.

14. Applicant has not filed proof of publication pursuant to A.A.C. R14-2-1104, nor has Applicant filed proof that notice was sent to interested parties as required in the October 4, 1999 Procedural Order.

### CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. Notice of the application was not given in accordance with the law.

4. For its failure to provide current information and to adhere to Commission rules and regulations and the requirements of the October 4, 1999 Procedural Order, Applicant is not a fit and proper entity to receive a Certificate for providing competitive local exchange services as a reseller

1 in Arizona.

2 **ORDER**

3 IT IS THEREFORE ORDERED that the Application of Telstar Telecom Company LLC  
4 for a Certificate of Convenience and Necessity for authority to provide competitive resold local  
5 exchange services shall be, and the same is hereby denied, and the Docket closed.

6 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

8  
9 CHAIRMAN

COMMISSIONER

COMMISSIONER

10  
11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
12 Secretary of the Arizona Corporation Commission, have hereunto  
13 set my hand and caused the official seal of the Commission to be  
14 affixed at the Capitol, in the City of Phoenix, this \_\_\_\_ day of  
\_\_\_\_\_, 2000.

15 \_\_\_\_\_  
16 BRIAN C. McNEIL  
EXECUTIVE SECRETARY

17 DISSENT \_\_\_\_\_  
18 JR:DAP  
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SERVICE LIST FOR:

TELSTAR TELECOM COMPANY, LLC

DOCKET NO.

T-03570A-98-0313

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